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OFFICE OF PETITIONS

In re Application of
Jan Trebesius
Application No. 09/869,550
Filed: January 8, 2002
Attorney Dkt. No: (H) 011CP0235USP

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed April 30, 2008. Petitioner has also filed a request to expedite the petition under 37 CFR 1.182.

The petition to withdraw the holding of abandonment is **Dismissed**.

The petition for expedited treatment under 37 CFR 1.182 is **Granted**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This above-identified application was held abandoned for failure to timely file a response to a final Office Action which was mailed on May 3, 2005. The final Office Action set a three (3) month shortened statutory period for reply. A reply in the form of an RCE, amendment, abstract, specification, request for three month extension of time and a credit card authorization was submitted. A Notice of Requiring Excess Claim Fees was mailed on November 30, 2005. Accordingly, this application became abandoned on November 4, 2005. A Notice of Abandonment was mailed on September 20, 2007.

Petitioner asserts that a reply to the final Office Action was timely submitted on November 3, 2005. Petitioner maintains that a general authorization to charge deposit account 11-0665 was submitted on filing. Thus petitioner maintains the \$10.00 shortage should have been charged to the deposit account. Petitioner has provided evidence that \$10.00 was present in the deposit account in November 2005.

Petitioner may wish to provide a petition to revive under 37 CFR 1.137(b).

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Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

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